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## IN THE UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA FLORENCE DIVISION

Harden Clubhouse Builders, Inc.	
n/k/a Fraser Construction, Inc. ) CA 4:11-cy-02525	5-RBH
Plaintiff(s),	
vs.	
Thelo Enterprises, Inc. n/k/a Ridgeway Roof  ORDER AGAINST THE DANKE THE PROPERTY DEFENDANT	
Truss Company,  PARTY DEFENDANT  Truss Company,	.,
Defendant(s)/  MMM OF JACKSONV	VILLE, INC.
Third Party Plaintiff(s)	
vs. )	
MMM of Jacksonville, Inc.	
Third Party Defendant	
)	

Based upon the Entry of Default as to MMM of Jacksonville, Inc. which was filed in this case on June 19, 2013, and the facts certified to in the accompanying Certification and Petition for Judgment and the supporting Affidavit of Damages and Cost, it appears that the damages sought in this action are liquidated and can be calculated with certainty and that MMM of Jacksonville, Inc. is in default.

The Court finds there is no need for an evidentiary hearing and that a decision is properly reached on the basis of the uncontested pleadings and affidavit submitted. *See* Fed. R. Civ. P. 55(b)(2)("The Court may conduct hearings . . . when, to enter or effectuate judgment, it needs to: (A) conduct an accounting; (B) determine the amount of damages; (c) establish the truth of any allegation by evidence; or (D) investigate any other matter."); *Anderson v. Foundation for Advancement, Educ. and Employment of American Indians*, 155 F.3d 500, 507 (4<sup>th</sup> Cir. 1998) ("We do, of course, recognize that in some circumstances a district court entering a default judgment may award damages ascertainable from the pleadings without holding a hearing."); *JTH Tax, Inc. v. Smith*, 2006 WL 1982762 at \*2 (E.D. Va. 2006) ("If the defendant does not

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contest the amount pleaded in the complaint and the claim is for a sum that is certain or easily

computable, the judgment can be entered for that amount without further hearing.")

Based on the pleadings, motion, affidavit, and other supporting documentation filed with

and reviewed by the Court, it is hereby

ORDERED AND ADJUDGED that Defendant/Third Party Plaintiff, Thelo Enterprises,

Inc. n/k/a Ridgeway Roof Truss Company have judgment against the Third Party Defendant,

MMM of Jacksonville, Inc., in the sum of \$251,448.85, inclusive of the costs and disbursements

of this action.

AND IT IS SO ORDERED.

Florence, South Carolina

July 9, 2013

s/R. Bryan Harwell

R. Bryan Harwell

United States District Court Judge